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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/765,899

01/29/2004

Masanori Amano

032111

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38834

7590

05/19/2006

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP  
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EXAMINER

SIMONE, CATHERINE A

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/765,899

Applicant(s)

AMANO ET AL.

Examiner

Catherine Simone

Art Unit

1772

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 15 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: none.  
Claim(s) objected to: none.  
Claim(s) rejected: 1-4.  
Claim(s) withdrawn from consideration: none.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Attachment.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

### **ADVISORY ACTION**

For purposes of appeal, the proposed amendments will be entered and the proposed rejections detailed below will be included in the Examiner's Answer. To be complete, such rejections must be addressed in any brief on appeal.

Upon entry of the amendments for purposes of appeal:

Claims 1-4 would be rejected for the reasons set forth in the rejection under 35 U.S.C. 103 based upon Hasegawa et al. in view of Amano et al. of the final Office action mailed 2/14/06.

### ***Response to Arguments***

Applicant's arguments filed 5/15/06 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the Hasegawa and Amano references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Hasegawa clearly teaches a layer forming relief for transferring and printing an application fluid applied on printing convex portions on a printing object, the layer forming relief comprising the printing convex portions formed as linear strips

(Fig. 7b, element 119 and see paragraph 0051, line 6), adjoining printing convex portions aligned to be parallel with each other with a prescribed space (Fig. 7b, element 112), and a plurality of micro-projections and projected micro-stripes (Fig. 7b, elements 111) distributed on the top faces of each of the printing convex portions so as to form a groove between adjoining micro-projections and micro-stripes for retaining the application fluid. Amano was merely cited for suggesting that it is old and well known in the analogous art to have a layer forming relief including micro-projections formed into a truncated cone or in a cylinder (see paragraph 0010, line 1) and projected micro-stripes where the cross section of the projected micro-stripes in a direction perpendicular to a longitudinal direction is rectangular or trapezoidal (see paragraph 0010, line 1 and drawing 3, element 3) for the purpose of producing a resin relief printing plate for forming a thin film by which a marginal phenomenon is prevented from being generated and an oriented film with a uniform thickness can be formed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the micro-projections and projected micro-stripes in Hasegawa to have the micro-projections formed into a truncated cone or in a cylinder and the cross section of the projected micro-stripes in the direction perpendicular to the longitudinal direction be trapezoidal or rectangular as suggested by Amano in order to produce a resin relief printing plate for forming a thin film by which a marginal phenomenon is prevented from being generated and an oriented film with a uniform thickness can be formed. One skilled in the art would clearly be able to modify the micro-projections and micro-stripes in Hasegawa so that the micro-projections are formed into a truncated cone or in a cylinder and the cross section of the projected micro-stripes in the direction perpendicular to the longitudinal direction is trapezoidal or rectangular in order to

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produce a resin relief printing plate for forming a thin film by which a marginal phenomenon is prevented from being generated and an oriented film with a uniform thickness can be formed, if so desired.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Catherine A. Simone  
Examiner  
Art Unit 1772  
May 17, 2006



HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

5/17/06